

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MASSACHUSETTS

Bernard Hardrick,

Plaintiff.

Civil Case No.

VS.

Girls And Mags (Company), and Unknown Owner,

Defendants.

Individually and In Their Official Capacity.

MAIL FRAUD COMPLAINT
PURSUANT TO 18 U.S.C.S. 1341
Jury Trial Demanded

U.S. DISTRICT COURT
DISTRICT OF MASS.

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FILED
IN CLERKS OFFICE

I. Jurisdiction & Venue

1. This is a civil action authorized by 18 U.S.C.S. 1341 to redress the violation of Mail Fraud committed by Defendants under Federal Statute. This Court has Jurisdiction under 28 USC section 1331.

2. The Eastern District of Massachusetts is an appropriate venue under 28 U.S.C. section 1391 (b)(2) because it is where the events giving rise to this claim occurred.

II. Plaintiff

3. Plaintiff, Bernard Hardrick, is and was at all times mentioned herein a prisoner of the State of Michigan in the custody of the Michigan Department of Corrections (M.D.O.C.). Plaintiff is currently confined at: Macomb

III. Defendants

4. Defendant, Girls And Mags, is a company that advertises pen pal information/listings for sell in the Prisoner Legal News newsletter to inmates nationwide.

5. The Unknown Owner of Girls And Mags is also a Defendant who receives the orders and money on behalf of the company.

IV. STATEMENT OF FACTS

6. On 7/1/18, while reading the Prisoner Legal News newsletter, Plaintiff noticed an ad in the newsletter by a company named "Girls And Mags" that offered names and addresses of 100 female pen pals for \$12.00 plus \$2.00 for shipping and handling.

7. Plaintiff decided to place an order for the "100 Black Beauties" listing by M.D.O.C. Disbursement (see exhibit 1 attached) which is used by inmates to authorize prison staff to deduct funds from our account to fill in orders. As seen in the disbursement, Plaintiff authorized staff to deduct \$15.00 total to: Girls and Mags, P.O. Box 319, Rehoboth, MA 02769.

8. On 7/18/19, The M.D.O.C. staff deducted the \$15.00 from Plaintiff's account and mailed a vendors check to Girls and Mags to their mentioned address. (see exhibit 2 attached circling where the Trust Account Statement shows \$15.00 vendor check being sent to Defendant)

9. Plaintiff waited a month and noticed that his order for the pen pal list had not come in the mail, which, in prison mail does tend to run slower than adverage, so Plaintiff decided to continue to wait to see if his order

10. After 2 months past from the day the money was sent to Girls and Mags, Plaintiff decided to write Girls and Mags to request verification of his order for the "100 Black Beauties" pen pal listing being placed in the mail. Plaintiff never received a response back from the Defendant(s).

11. Due to Plaintiff being granted a new trial in his criminal case he set aside his concerns of not receiving his order from Defendants to focus on his upcoming trial.

12. Several months later, Plaintiff returned to the M.D.O.C. from a writ and noticed that the M.D.O.C. held on to all of Plaintiff's mail and still nothing came from his order to Defendants.

13. Plaintiff then decided to write Prisoner Legal News to request an investigation to be conducted on Defendants since they were allowing Defendants to advertise in their newsletter. Plaintiff never received a response back from Prisoner Legal News.

14. To this day, Plaintiff has not received his order and Defendant(s) are still advertising the sell of pen pal information in the Prisoner Legal News. (see Prisoner Legal News page attached as exhibit 3)

V. LEGAL CLAIM (MAIL FRAUD)

15. Defendants advertised a product for sell requesting payment by check through U.S. postal service and sent nothing to Plaintiff. Defendants actions constitutes as Mail Fraud in violation of 18 U.S.C.S. 1341.

16. Defendants advertised in a newsletter article that is mostly read by prisoners to advertise a product for sell that they never intended to send to Plaintiff which constitutes as a form of False Pretenses which is punishable up

VI. CONCLUSION AND RELIEF SOUGHT

17. WHEREFORE, Plaintiff respectfully request that this Honorable Court enter judgment:

18. Granting Plaintiff a declaration that the acts and omissions described herein violated the laws of the United States under 18 U.S.C.S. 1341;

19. A preliminary and permanent injunction ordering Defendants to cease their false advertisements in the Prisoner Legal News and any other publications;

20. Plaintiff request this Honorable Court to make an example of defendants for the poor business ethic and practices that are not only lacking in what is clearly advertised, but it is predatory in nature to except funds, knowing you will not provide the service to inmates who are more vulnerable to scams because it is harder for us to right the wrong due to our confinement.

21. Grant Plaintiff compensatory damages in the amount of \$500.00 dollars against each Defendant, jointly and severally.

22. Grant Plaintiff \$5,000 dollars in punitive damages against each Defendant, jointly and severally;

23. Plaintiff also seeks recovery for filing fees and other cost in this suit, and

24. Any other additional relief this Court deems just, proper, and equitable.

Dated: 11-13-19

Respectfully Submitted,

Bernard Hardrick #606507

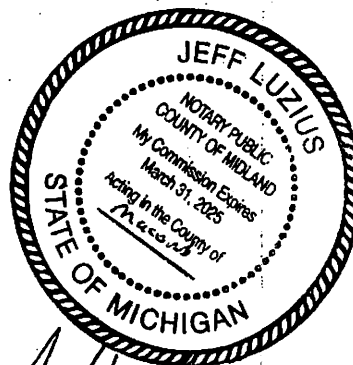
VERIFICATION

I, Bernard Hardrick, swear under penalty of perjury pursuant to 28 U.S.C.S. 1746 that the matters alleged therein are true and correct and if called to court I am willing to testify of the allegations made in this complaint.

Signature:



Date: 11-13-19



11-13-19